

AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 862

Introduced by Assembly Members Silva and Jeffries
(Principal coauthor: Assembly Member Logue)
(Coauthor: Assembly Member Allen)
(Coauthor: Senator Emmerson)

February 17, 2011

An act to ~~add Chapter 15 (commencing with Section 4870) to~~
~~Division 4.5~~ amend Section 4629.5 of the Welfare and Institutions Code,
relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 862, as amended, Silva. Developmental services: ~~Regional Center~~
~~Records Act~~. *regional centers*.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. *Existing law requires a regional center to include specified information on its Internet Web site for the purpose of promoting transparency and access to public information that includes specified information.*

This bill would add prescribed information to this requirement.

~~The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless they are exempt from disclosure.~~

~~This bill would enact the Regional Center Records Act. The act would require regional centers to disclose specified information to the public;~~

subject to certain provisions. The bill would also require the department to consult with the regional centers to develop policies and procedures to implement the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 4629.5 of the Welfare and Institutions*
2 *Code is amended to read:*
3 4629.5. (a) In addition to the requirements set forth in Section
4 4629, the department's contract with a regional center shall require
5 the regional center to adopt, maintain, and post on its Internet Web
6 site a board-approved policy regarding transparency and access to
7 public information. The transparency and public information policy
8 shall provide for timely public access to information, including,
9 but not limited to, information regarding requests for proposals
10 and contract awards, service provider rates, documentation related
11 to establishment of negotiated rates, audits, and IRS Form 990.
12 The transparency and public information policy shall be in
13 compliance with applicable law relating to the confidentiality of
14 consumer service information and records, including, but not
15 limited to, Section 4514.
16 (b) To promote transparency, each regional center shall include
17 on its Internet Web site, as expeditiously as possible, at least all
18 of the following:
19 (1) Regional center annual independent audits.
20 (2) Biannual fiscal audits conducted by the department.
21 (3) Regional center annual reports pursuant to Section 4639.5.
22 (4) Contract awards, including the organization or entity
23 awarded the contract, and the amount and purpose of the award.
24 (5) *The actual rates paid to each vendor.*
25 (6) *Any public funds provided to a nonprofit housing*
26 *organization outside the request for proposals process.*
27 ~~(5)~~
28 (7) Purchase of service policies.
29 ~~(6)~~
30 (8) The names, types of service, *principals*, and contact
31 information of all vendors, except consumers or family members
32 of consumers.

~~(7)~~

(9) Board meeting agendas and approved minutes of open meetings of the board and all committees of the board.

~~(8)~~

(10) Bylaws of the regional center governing board.

~~(9)~~

(11) The annual performance contract and year-end performance contract entered into with the department pursuant to this division.

~~(10)~~

(12) The biannual Home and Community-based Services Waiver program review conducted by the department and the State Department of Health Care Services.

~~(11)~~

(13) The board-approved transparency and public information policy.

~~(12)~~

(14) The board-approved conflict-of-interest policy.

(15) *Conflict of interest disclosures.*

~~(13)~~

(16) Reports required pursuant to Section 4639.5.

(17) *Any legal settlements that can be disclosed.*

(c) The department shall establish and maintain a transparency portal on its Internet Web site that allows consumers, families, advocates, and others to access provider and regional center information. Posted information on the department's Internet Web site transparency portal shall include, but need not be limited to, all of the following:

(1) A link to each regional center's Internet Web site information referenced in subdivision (b).

(2) Biannual fiscal audits conducted by the department.

(3) Vendor audits.

(4) Biannual Home and Community-based Services Waiver program reviews conducted by the department and the State Department of Health Care Services.

(5) Biannual targeted case management program and federal nursing home reform program reviews conducted by the department.

(6) Early Start Program reviews conducted by the department.

(7) Annual performance contract and year-end performance contract reports.

1 ~~SECTION 1. Chapter 15 (commencing with Section 4870) is~~
2 ~~added to Division 4.5 of the Welfare and Institutions Code, to read:~~

3
4 ~~CHAPTER 15. REGIONAL CENTER RECORDS~~

5
6 ~~4870. This chapter shall be known, and may be cited as, the~~
7 ~~Regional Center Records Act.~~

8 ~~4871. For purposes of this chapter, the following definitions~~
9 ~~shall apply:~~

10 ~~(a) "Department" shall mean the State Department of~~
11 ~~Developmental Services.~~

12 ~~(b) "Vendor" shall mean an individual or entity approved to~~
13 ~~provide services and supports to consumers pursuant to Section~~
14 ~~4648.~~

15 ~~4872. A regional center shall, upon request from a member of~~
16 ~~the public, make available in a reasonable and timely manner, the~~
17 ~~following information:~~

18 ~~(a) The company name and principals of any entity established~~
19 ~~as a vendor with the regional center.~~

20 ~~(b) Vendor program designs.~~

21 ~~(c) Actual rates per service codes.~~

22 ~~(d) Actual rates paid to all vendors.~~

23 ~~(e) Actual rates paid per vendor code.~~

24 ~~(f) Actual rate formulas.~~

25 ~~(g) Actual vendor referral rates.~~

26 ~~(h) Vendor reviews, audits, or quality assurance reports.~~

27 ~~(i) Contracts entered into with any vendor.~~

28 ~~(j) The number of consumers that qualify for a developmental~~
29 ~~disability waiver.~~

30 ~~(k) Data regarding actual administrative expenditures to include~~
31 ~~travel, salaries, and pension costs.~~

32 ~~(l) Data regarding contracts for services to the regional center,~~
33 ~~including, but not limited to, leases, vehicles, legal services,~~
34 ~~consulting, and any other goods or services.~~

35 ~~(m) Any legal settlements that can be disclosed.~~

36 ~~(n) Conflict of interest disclosures.~~

37 ~~(o) Any public moneys used for or by a nonprofit housing~~
38 ~~organization.~~

39 ~~(p) Audits of the regional center.~~

1 ~~4873. A regional center may charge a fee to cover the actual~~
2 ~~costs of reproduction of files commensurate with the fee schedule~~
3 ~~in the California Public Records Act (Chapter 3.5 (commencing~~
4 ~~with Section 6250) of Division 7 of Title 1 of the Government~~
5 ~~Code).~~

6 ~~4874. The department shall consult with the regional centers~~
7 ~~to develop policies and procedures to implement this chapter.~~

8 ~~4875. Nothing in this chapter shall be construed to limit or~~
9 ~~change the privacy protections afforded by any other provision of~~
10 ~~law.~~

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